



## Senate

General Assembly

**File No. 111**

February Session, 2018

Substitute Senate Bill No. 313

*Senate, March 28, 2018*

The Committee on Children reported through SEN. MOORE, M. of the 22nd Dist. and SEN. SUZIO of the 13th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING MEDICAL CARE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-98 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 The Commissioner of Children and Families, or any agent  
4 appointed by said commissioner, shall exercise careful supervision of  
5 each child under said commissioner's guardianship or care and shall  
6 maintain such contact with the child and the child's foster family as is  
7 necessary to promote the child's safety and physical, educational,  
8 moral and emotional development, including, but not limited to,  
9 visiting each foster home at least once every sixty days. Said  
10 commissioner may authorize, pursuant to the advice of a physician  
11 licensed pursuant to chapter 370, medical, psychological, psychiatric or  
12 surgical treatment or a medical multidisciplinary evaluation to ensure  
13 the continued good health of a child under said commissioner's  
14 guardianship or care, provided, if the permanency plan for such child  
15 involves reunification with such child's parent or parents, said

16 commissioner shall give notice of such treatment or evaluation to the  
17 child and the child's parent or parents, in writing, at least five days in  
18 advance of such treatment or evaluation. In the absence of an  
19 emergency necessitating the immediate treatment or evaluation of the  
20 child, no such treatment or evaluation shall be provided prior to five  
21 days after such notice is given. If the child or the child's parent or  
22 parents object to such treatment or evaluation, the child or the child's  
23 parent or parents may, not later than five days after such notice is  
24 given, file a motion for emergency relief in the superior court having  
25 jurisdiction of the matter. In the absence of an emergency necessitating  
26 the immediate treatment or evaluation of the child, no such treatment  
27 or evaluation shall be provided during the pendency of such motion.  
28 The commissioner shall maintain such records and accounts as may be  
29 necessary for the proper supervision of all children under said  
30 commissioner's guardianship or care.

31 Sec. 2. Subsection (b) of section 46b-129 of the 2018 supplement to  
32 the general statutes is repealed and the following is substituted in lieu  
33 thereof (*Effective October 1, 2018*):

34 (b) If it appears from the specific allegations of the petition and  
35 other verified affirmations of fact accompanying the petition and  
36 application, or subsequent thereto, that there is reasonable cause to  
37 believe that (1) the child or youth is suffering from serious physical  
38 illness or serious physical injury or is in immediate physical danger  
39 from the child's or youth's surroundings, and (2) as a result of said  
40 conditions, the child's or youth's safety is endangered and immediate  
41 removal from such surroundings is necessary to ensure the child's or  
42 youth's safety, the court shall either (A) issue an order to the parents or  
43 other person having responsibility for the care of the child or youth to  
44 appear at such time as the court may designate to determine whether  
45 the court should vest the child's or youth's temporary care and custody  
46 in a person related to the child or youth by blood or marriage or in  
47 some other person or suitable agency pending disposition of the  
48 petition, or (B) issue an order ex parte vesting the child's or youth's  
49 temporary care and custody in a person related to the child or youth

50 by blood or marriage or in some other person or suitable agency. A  
51 preliminary hearing on any ex parte custody order or order to appear  
52 issued by the court shall be held not later than ten days after the  
53 issuance of such order. The service of such orders may be made by any  
54 officer authorized by law to serve process, or by any probation officer  
55 appointed in accordance with section 46b-123, investigator from the  
56 Department of Administrative Services, state or local police officer or  
57 indifferent person. Such orders shall include a conspicuous notice to  
58 the respondent written in clear and simple language containing at least  
59 the following information: (i) That the order contains allegations that  
60 conditions in the home have endangered the safety and welfare of the  
61 child or youth; (ii) that a hearing will be held on the date on the form;  
62 (iii) that the hearing is the opportunity to present the parents' position  
63 concerning the alleged facts; (iv) that an attorney will be appointed for  
64 parents who cannot afford an attorney; (v) that such parents may  
65 apply for a court-appointed attorney by going in person to the court  
66 address on the form and are advised to go as soon as possible in order  
67 for the attorney to prepare for the hearing; (vi) that such parents, or a  
68 person having responsibility for the care and custody of the child or  
69 youth, may request the Commissioner of Children and Families to  
70 investigate placing the child or youth with a person related to the child  
71 or youth by blood or marriage who might serve as a licensed foster  
72 parent or temporary custodian for such child or youth. The  
73 commissioner shall investigate any relative or relatives proposed to  
74 serve as a licensed foster parent or temporary custodian for such child  
75 or youth prior to the preliminary hearing and provide a preliminary  
76 report to the court at such hearing as to such relative's or relatives'  
77 suitability and any potential barriers to licensing such relative or  
78 relatives as a foster parent or parents or granting temporary custody of  
79 such child or youth to such relative or relatives; and (vii) that if such  
80 parents have any questions concerning the case or appointment of  
81 counsel, any such parent is advised to go to the court or call the clerk's  
82 office at the court as soon as possible. Upon application for appointed  
83 counsel, the court shall promptly determine eligibility and, if the  
84 respondent is eligible, promptly appoint counsel. The expense for any

85 temporary care and custody shall be paid by the town in which such  
 86 child or youth is at the time residing, and such town shall be  
 87 reimbursed for such expense by the town found liable for the child's or  
 88 youth's support, except that where a state agency has filed a petition  
 89 pursuant to the provisions of subsection (a) of this section, the agency  
 90 shall pay such expense. The agency shall give primary consideration to  
 91 placing the child or youth in the town where such child or youth  
 92 resides. The agency shall file in writing with the clerk of the court the  
 93 reasons for placing the child or youth in a particular placement outside  
 94 the town where the child or youth resides. Upon issuance of an ex  
 95 parte order, the court shall provide to the commissioner and the parent  
 96 or guardian specific steps necessary for each to take to address the ex  
 97 parte order for the parent or guardian to retain or regain custody of the  
 98 child or youth. Upon the issuance of such order, or not later than sixty  
 99 days after the issuance of such order, the court shall make a  
 100 determination whether the Department of Children and Families made  
 101 reasonable efforts to keep the child or youth with his or her parents or  
 102 guardian prior to the issuance of such order and, if such efforts were  
 103 not made, whether such reasonable efforts were not possible, taking  
 104 into consideration the child's or youth's best interests, including the  
 105 child's or youth's health and safety. Any person or agency in which the  
 106 temporary care and custody of a child or youth is vested under this  
 107 section shall have the following rights and duties regarding the child  
 108 or youth: (I) The obligation of care and control; (II) the authority to  
 109 make decisions regarding emergency medical, psychological,  
 110 psychiatric or surgical treatment or authorize a medical  
 111 multidisciplinary evaluation; and (III) such other rights and duties that  
 112 the court having jurisdiction may order.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2018	17a-98
Sec. 2	October 1, 2018	46b-129(b)

**KID**

*Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Children & Families, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

#### ***Municipal Impact:*** None

#### ***Explanation***

This bill, which permits the Department of Children and Families (DCF), on the advice of a physician, to authorize non-emergency medical, psychological, psychiatric, or surgical treatment, or a medical multidisciplinary evaluation, for a child in DCF's temporary care and custody, results in a potential cost to the agency to the extent it chooses to seek out physician advice for these children and provide treatment/evaluation in advance of the possible reunification of children with their families. Should children under an order of temporary custody (OTC) come under the care and custody of DCF, the agency would be responsible for the health of these children under existing agency mandates. The average cost for a medical multidisciplinary evaluation is \$266.00.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 313*****AN ACT CONCERNING MEDICAL CARE FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES.*****SUMMARY**

By law, the Department of Children and Families (DCF) commissioner and any agent she appoints must exercise careful supervision of each child under her guardianship or care. This bill permits the DCF commissioner, on the advice of a physician, to authorize non-emergency medical, psychological, psychiatric, or surgical treatment, or a medical multidisciplinary evaluation, to ensure the health of a child in the department's guardianship or care. But if the child's permanency plan involves reunification with the child's parent or parents, the commissioner must provide written notice to the parent or parents at least five days before the treatment or evaluation.

If the child or the parent or parents object, they may file a motion for emergency relief within five days after the notice is given. (It is unclear if this means within five days after the commissioner sends the notice or five days after the parents receive it.) The child generally may not have the treatment or evaluation within that five day period or while the motion is pending, unless there is an emergency necessitating it.

Additionally, the bill permits individuals and agencies to whom DCF has granted care and custody of a child under a temporary custody order to authorize medical multidisciplinary evaluations for children in their care. The law already permits DCF and these individuals and agencies in such circumstances to make decisions regarding emergency medical, psychological, psychiatric, or surgical treatment.

EFFECTIVE DATE: October 1, 2018

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea    7        Nay   6        (03/15/2018)